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14 Attorneys for Defendant

15 United States of America

17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA

20 DONNA DELOISE MOORE,

21 Plaintiff,

22 vs.

23 THE UNITED STATES OF AMERICA,  
24 *in personam*, CAPE HORN, its engines,  
25 tackle, apparel, furniture, etc., *in rem*

CASE NO. CV 10-2193 SC

STIPULATION AND ~~PROPOSED~~  
ORDER CONTINUING  
SETTLEMENT CONFERENCE

27 DONNA DELOISE MOORE ("Plaintiff") and THE UNITED STATES OF

1 AMERICA ("Defendant") jointly submit this Stipulation and Proposed Order  
2 Continuing Settlement Conference as follows:

3 WHEREAS Judge Conti has assigned this matter to this department for a  
4 settlement conference and the Court has set this matter for a settlement conference on  
5 November 24, 2010; and

6 WHEREAS Plaintiff has recently filed a second action against the United States  
7 for injuries allegedly suffered (aboard a different U.S. owned ship) after being released  
8 to return to sea following the alleged accident of December 30, 2008 aboard the SS  
9 CAPE HORN (DONNA MOORE v. THE UNITED STATES OF AMERICA, CASE  
10 NO. C 10-04621SC); and

11 WHEREAS Plaintiff is seeking a medical evaluation to determine whether the  
12 injuries complained of in the second action are related to the accident of December 30,  
13 2008; and

14 WHEREAS Judge Conti has Ordered that the cases are related as defined by  
15 Civil L.R. 7-11(See Docket No. 12) and the parties are to appear before Judge Conti  
16 for a case management conference on January 7, 2011, and anticipate discussing the  
17 possible consolidation of the two cases; and

18 WHEREAS the parties do not believe that a settlement conference would be  
19 productive until such time as the above medical evaluation and consultation with  
20 Judge Conti at the January 7, 2011 case management conference are completed; and

21 WHEREAS the mother in law of counsel for the United States has recently  
22 passed away and he wishes to attend her memorial service which is scheduled to take  
23 place in New England on November 23, 2010, the day before the now scheduled  
24 settlement confer;

25 The parties HEREBY STIPULATE and request that the court order that the  
26 current settlement conference set for November 24, 2010 be taken off calendar, and  
27 that the matter be reset following the January 7, 2011 case management conference  
28 and further consultation with Judge Conti.

1  
2 DATED: November 17, 2010

BRODSKY MICKLOW BULL & WEISS LLP

3  
4 By: /S/ Edward M. Bull III  
Edward M. Bull III

5 Attorneys for Plaintiff  
6 Donna Deloisse Moore

7  
8 DATED: November 17, 2010

U.S. Department of Justice  
Torts Branch, Civil Division

9  
10 By: /S/ R. Scott Blaze  
11 R. Michael Underhill  
R. Scott Blaze

12 Attorneys for Defendant  
13 United States of America

14  
15 ~~[PROPOSED]~~

16 **ORDER**

17 Having considered the stipulation of counsel, and good cause appearing in  
18 support of their request, IT IS HEREBY ORDERED THAT the settlement conference  
19 set in this Department on November 24, 2010 is hereby off calendar, and that the  
20 Court will set a new settlement conference date following the January 7, 2011 case  
21 management conference. *Sett Conf continued to March*

22 DATED: *17 Nov*  
23

*[Signature]*  
24 HON. BERNARD ZIMMERMAN  
25 U.S. MAGISTRATE JUDGE  
26  
27  
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